



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,001	01/09/2001	Christopher C. Burger	CPL1538-196	8540

8698 7590 07/08/2002

STANDLEY & GILCREST LLP  
495 METRO PLACE SOUTH  
SUITE 210  
DUBLIN, OH 43017

EXAMINER

VO, HAI

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 07/08/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

MF 4

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/758,001	BURGER ET AL.	
	Examiner	Art Unit	
	Hai Vo	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Rheinlander et al (US 5,863,064). Rheinlander discloses an automotive instrument panel comprising a substrate 14 bonded to a foam backing layer 16 by a molding process (figure 2). Rheinlander teaches the substrate including wood fiber composite and the foam backing layer formed from polyvinyl chloride polymer (column 5, line 64 et seq.). Rheinlander anticipates the claimed subject matter.
3. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bondoc et al (US 5,776,841) or Grinshpun et al (US 5,807,514). Bondoc discloses a board used in a roofing system comprising a foamed insulation board and a facer bonded to at least one surface of the board (column 3, lines 44-46). Bondoc teaches the foam board including polyvinyl chloride (column 3, line 49). Bondoc discloses the facer comprising cellulosic fibers and binders (abstract and column 4, line 50 et seq.). The facer in Bondoc is analogous to the synthetic wood layer of the present invention. Bondoc anticipates the claimed subject matter.

Art Unit: 1771

Grinshpun shows that a window lineal 46 having an outer surface 47 of wood veneer, a hard resin skin 48, and a polystyrene foam core 49 (column 5, line 47 and figure 6). Grinshpun anticipates the claimed subject matter.

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (US 4,351,873). Davis discloses a double faced insulating board used in a roofing system comprising a foamed insulation board 13 and two facers 17 and 21 bonded to one side of the board (figure 1). Davis teaches the foam board including polyvinyl chloride (column 2, line 49). Davis discloses the first facer comprising asphalt saturated felt which contains cellulosic fibers and asphalt (column 4, line 36 and column 6, lines 45-51). The first facer in Davis is analogous to the synthetic wood layer of the present invention. Davis teaches the foam board adhered to the facings by chemically bonding or by an adhesive (column 6, lines 3-11). Davis anticipates the claimed subject matter.
5. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Finley (US 6,054,207). Since the specification indicates that the synthetic wood composite includes the foamed synthetic wood composition (page 9, line 4), Finley reads on the claimed limitations. Finley discloses a structural unit comprising at least two structural foam members attached at a mechanically secure joint wherein each structural foam member comprises a vinyl polymer and a wood fiber (claim 20 and column 12, lines 20-57, column 2, lines 40-65). Finley anticipates the claimed subject matter.

Art Unit: 1771

6. Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Prince et al (US 4,818,590). Prince teaches a window blind comprising a polyvinyl chloride foam substrate **11** having a thin wood veneer **12** and **13** coated on the opposing surfaces thereof by means of adhesives **14** and **15** (abstract, column 3, lines 6-11, figures 1 and 2). Prince anticipates the claimed subject matter.
7. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Fulford (US 5,218,807). Fulford teaches a wooden door assembly having solid wood stiles 60, rails 62 and raised panel 64 being laminated or secured to insulative core that is formed from styroform (figure 6; column 8, line 26, and column 9, lines 5-15). Fulford anticipates the claimed subject matter.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Monday to Friday, 8:30 to 5:00 (EAST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Art Unit: 1771

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV  
June 26, 2002

A handwritten signature in black ink, appearing to read "Terrel Morris", written in a cursive style.

TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700